

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

DEC 2 2014

David J. Bradley, Clerk of Court

United States of America
v.
Joseph Howard FERRARONE

Case No.

H14-1162MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 1, 2014 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

49 U.S. Code 46504

Offense Description

In the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act.

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.

K. Andrew Phimpavong
Complainant's signature

K. Andrew Phimpavong

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-2-14

City and state: Houston, Texas

Mary Milloy
Judge's signature

Mary Milloy

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, K. Andrew Phimpavong, being duly sworn, hereby depose and state the following:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and have been so employed for over eighteen years. Since August 2005, I have been assigned to the George Bush Intercontinental Airport (IAH) Office of the FBI, where I investigate violations of Federal law which occur within the airport environment and on board aircraft. Title 49 United States Code, Section 46501 establishes the Special Aircraft Jurisdiction of the United States and gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight regardless of departure or arrival location.

2. This affidavit is in support of a complaint charging Joseph Howard FERRARONE ("FERRARONE") for violation of Title 49, United States Code, Section 46504, Interference With Flight Crew Members and Attendants, which occurred on December 1, 2014 while aboard Qatar (QR) flight 713, inbound from Doha, Qatar to Houston, Texas. This is within the special maritime and territorial jurisdiction of the United States.

3. The facts set forth in this Affidavit are based on my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This

statement is intended to show that there is probable cause for the violation and does not purport to set forth all of my knowledge or investigation into this matter.

BACKGROUND

4. Title 49 of the United States Code, Section 46504 states, in pertinent part, "An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both." Title 49, United States Code, Section 46501(2) defines special aircraft jurisdiction of the United States as including an aircraft in flight outside the United States that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States.

5. At the time of the incident, Qatar flight 713 was in the special aircraft jurisdiction of the United States. Qatar flight 713 arrived in Houston, Texas at approximately 4:00 p.m. Central Standard Time on December 1, 2014. FERRARONE was a passenger on Qatar flight 713 and was seated in 32C.

6. It is my belief that FERRARONE violated Title 49 United States Code, Section 46504 by intimidating members of the flight crew of Qatar flight 713, and thereby interfering with the ability of the crew to perform their official duties.

SUMMARY OF PROBABLE CAUSE THAT A VIOLATION OCCURRED

7. On December 1, 2014, I received a telephone call from Houston Police Officer B. N. Tikulski advising me that he was handling a scene at Terminal D, Gate 4 involving a passenger who intimidated members of the flight crew and made a statement to a passenger that he was going to blow up the airplane. Officer Tikulski advised that he and his partner were interviewing witnesses and members of the flight crew.

8. On December 1, 2014, Officer Tikulski interviewed Kunal-Suresh Rapelli ("Rapelli"), who was a passenger on board Qatar flight 713. Rapelli was sitting in seat 31C in front of the suspect, FERRARONE. Rapelli stated that during the flight FERRARONE was kicking the back of his seat several times. When Rapelli hesitantly turned around to see who was kicking the back of his seat, FERRARONE stated to Rapelli "Mother fucker! What are you looking at? I'll crush your face." Rapelli requested to be moved and was allowed to change seats.

9. On December 1, 2014, Officer Tikulski interviewed Andrew

Hughes ("Hughes"), who was a passenger on Qatar flight 713 from Doha, Qatar to Houston, Texas.

a. According to the HPD report, Hughes was standing in the aisle to prevent FERRARONE from walking around. During this time, FERRARONE made a statement to Hughes that he was going to mix nitroglycerin, Styrofoam and another substance. FERRARONE was going to place the mixture on the window and blow up the airplane killing everyone on board.

10. On December 1, 2014, Officer Tikulski interviewed Fletcher Ladner ("Ladner"), who was a passenger on board Qatar flight 713 from Doha, Qatar to Houston, Texas.

a. According to the HPD report, Ladner was sitting in seat 21D. During the flight, Ladner observed FERRARONE hitting the back of the seat in front of him. Ladner heard FERRARONE state "I've killed in the past and I'll kill again." FERRARONE was disruptive the entire flight until an hour before arrival in Houston.

11. On December 1, 2014, Officer Tikulski interviewed Flight Attendant (FA) Junjia Luo ("FA Luo"), who was a FA on Qatar flight 713 from Doha, Qatar to Houston, Texas.

a. According to the HPD report, FERRARONE asked FA Luo for a glass of ice. Luo brought a glass of ice to FERRARONE. Luo observed FERRARONE produce a bottle of alcohol. Luo immediately advised FERRARONE that he was not permitted to drink his own alcohol.

FERRARONE told Luo that he was in Special Forces and he needed a drink and he will drink.

12. On December 1, 2014, Officer Tikulski interviewed Lead Flight Attendant (LFA) Aziza Begmohamed ("LFA Begmohamed"), who was the LFA on Qatar flight 713 from Doha, Qatar to Houston, Texas.

a. According to the HPD report, LFA Begmohamed was informed by FA Luo that FERRARONE was being disruptive and he needed her assistance. LFA Begmohamed approached FERRARONE to advise him that it was against airline policy for a passenger to drink his own alcohol on the flight. FERRARONE told LFA Begmohamed "I don't need this shit! Bring me Johnny Walker. In five minutes, give me Johnny Walker." FERRARONE then displayed a mechanical pencil and stated to LFA Begmohamed "I've been in the armed forces for 26 years. I've killed a lot. I've used this pen on 15 people. You better do what I want." LFA Begmohamed continued to advise FERRARONE of Qatar Airlines policy. FERRARONE began to curse and threaten other passengers. Consequently, LFA Begmohamed issued FERRARONE a written warning which he refused to accept.

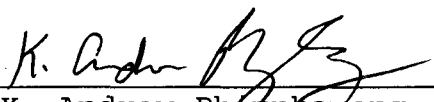
13. On December 1, 2014, SA Cynthia Brawley requested a criminal history and DMW database checks for any previous arrests for Joseph Howard FERRARONE, date of birth October 15, 1981. The criminal history search revealed that FERRARONE has the following criminal history: In August 2013, possession of controlled

substance; in November 2013, liquor violation; in December 2012, driving while intoxicated; and in November 2001, criminal trespass.

CONCLUSION

14. Flight Attendant Luo and Lead Flight Attendant Begmohamed were intimidated by FERRARONE. Due to FERRARONE's actions, Lead Flight Attendant Begmohamed, and Flight Attendant Luo's duties were interfered with and lessened their ability to perform their official duties while on board the aircraft.

15. Based on the foregoing, I believe there is probable cause to believe that Joseph Howard FERRARONE violated Title 49, United States Code, Section 46504.


K. Andrew Phomphavong
Special Agent-FBI

Sworn and subscribed to before
me this 2nd day of December ~~1~~, 2014.


Mary Milloy
UNITED STATES MAGISTRATE JUDGE